

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

WAYLEN JOHNSON, et al.,

Plaintiffs,

vs.

MICHAEL E. KELLY,

Defendant.

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Case No. 2:07CV00016 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs' Motion to Join Additional Party [doc. 34] and Motion to Withdraw [doc. 35]. The Court heard from the Parties on these Motions in a hearing held on November 20, 2008.

Plaintiffs ask that David Couch and Carolyn S. Levine be added as Plaintiffs as they placed principal with Defendant Michael Kelly¹ in his Universal Lease Program and therefore have an interest relating to the subject of this action. Defendant made no objection to this Motion, and it will be granted.

In the Motion to Withdraw, the law firm of Rabbitt, Pitzner & Snodgrass, P.C. seeks to withdraw their representation of Defendant. This firm was retained by the firm of Bose, McKinney & Evans to serve as local counsel. Rabbitt, Pitzner & Snodgrass, P.C. recently learned that Bose, McKinney & Evans was ceasing its representation of Defendant, and asks that they be

¹ This lawsuit was filed against Michael E. Kelly, d/b/a Resort Holdings International, Yucatan Resorts, Inc., World Phantasy Tours, Inc. d/b/a Majesty Travel, Galaxy Travel and Galaxy Properties Management, S.A. The Complaint states that Michael E. Kelly is the sole owner, manager and shareholder of these corporations.

permitted to withdraw. The Court finds that granting this Motion is appropriate, and that no prejudice or delay will result from the withdrawal of this law firm.

Corporations are required to be represented by counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993). As a result, Defendant is instructed to employ counsel within ten (10) days of this Memorandum and Order.

Accordingly,


IT IS HEREBY ORDERED that Plaintiffs' Motion to Join Additional Party [doc. 34] is **GRANTED**.

IT IS FURTHER ORDERED that Motion to Withdraw [doc. 35] is **GRANTED**. Defendant Michael Kelly has ten (10) days to employ new counsel. The Clerk of Court shall send a copy of this Memorandum and Order to both Defendant Michael Kelly and his criminal defense counsel:

Michael Kelly
Metropolitan Correctional Center
71 West Van Buren Street
Chicago, IL 60605

Jeffrey B. Steinback
53 W. Jackson Blvd., Suite 1420
Chicago IL, 60604

Dated this 21st Day of November, 2008.


E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE